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Via ECF

September 27, 2021

Honorable Judge Stewart D. Aaron  
United States District Court  
Southern District of New York  
40 Foley Square, NY 10007

Re: Letter Motion to Bifurcate Defendant's Motion to Dismiss Plaintiff's Second Amended and Revised Complaint (ECF No. 99).

Kumaran, et al. vs. Vision Financial Markets, LLC, et al.  
Defendant, Julie Villa, response to Plaintiffs' proposal (ECF No. 103)

Dear Judge Aaron,

Defendant, Julie Villa, in response to "Plaintiff's proposal, which as the court understands it, is that the Court delay briefing on the motion to dismiss portion of the Vision Defendants' motion" (1:20-cv-03871 (GHW) (SDA) ORDER, 9.24.2021), "as well as on Defendant Villa's motion to dismiss (ECF No. 99), until after the Court's decision on the portion of the motion that seeks to compel arbitration." (ECF No. 103).

Defendant by this letter moves the court to bifurcate the case for a ruling on its Motion to Dismiss (ECF No. 99), Plaintiffs Second Amended and Revised Complaint, "SAC", (ECF No. 89) counts related to Trade Secrets and to *continue the calendar as scheduled by court order* (ECF No. 69), prior to the National Futures Association ("NFA") arbitration on all remaining counts that pertain to the subject matter jurisdiction of this Self-Regulatory Organization ("SRO").

Specifically count(s): (III). Misappropriation of Trade Secrets (Defend Trade Secrets Act), (IV). Misappropriation of Trade Secrets Under New York Law, (V). Conversion, (VI). Aiding and Abetting in Conversion and Misappropriation, (XIII). Unfair Competition / Misappropriation of Confidential Information, (XIV). Unjust Enrichment, (XV). Tortious Interference in Economic Advantage.

Plaintiffs' non-compliance with Federal Rules of Civil Procedure *inter alia* are the reason for Plaintiffs' repeated requests to enlarge time to respond beyond the court

orders,<sup>1,2,3,4,5</sup>, as defined by Fed. R. Civ. P. 16(a)(1), 16(b)(1). The court succinctly summarized these timeframes on April 30, 2021 (ECF No. 69). Defendant has met every deadline to file under extreme hardship and duress, including (1) Pro Se representation, (2) responding to voluminous and confusing amended Complaint(s), (3) that have changed and enlarged in size, allegations and counts, (4) from a vexatious Pro se litigant, (5) while attempting to understand the confusing claims, and (6) moving residence out of state.

Plaintiffs' most recent false allegation against Defendant asserted Defendants' late filing of Defendants' Motion to Dismiss Plaintiffs' Second Amended and Revised Complaint. Defendant met the scheduled deadline of September 17, 2021, for filing. (ECF No. 69). Defendant requests judicial notice of Plaintiff's error in reporting the date Defendant filed Motion to Dismiss as Monday, September 20, 2021, stating that "It was not received or served on Plaintiffs (either by email or otherwise) until three days later than the filing deadline." (ECF No. 100). The court docket confirms Defendants' timely filing(s) of "Notice of Motion to Dismiss Plaintiffs' Second Amended Complaint Purs. To FED.R.CIV. PROC. 12(B)(6), 8(a)(2), & 12 (b)(1)" (ECF No. 98), and "Memorandum of Law in Support of Defendants' Motion to Dismiss the Plaintiffs' Second Amended Complaint, re: 98 Motion to Dismiss." (ECF No. 99).

Defendants' Motion to Dismiss (ECF No. 99) all non-arbitrable counts continue under (1) Fed. R. Civ. P. 12(b)(6) failure to state a claim upon which relief can be granted, and (2) failure to comply with Fed. R. Civ. P. 8(a)(2) a short and plain statement of the claim showing that the pleader is entitled to relief.

September 27, 2021

Respectfully submitted,

  
Julie Villa  
Pro Se

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<sup>1</sup> Aug 19, 2020, "Order on Motion for Extension of Time to Amend Complaint", granted Plaintiff extension to Sep 30, 2020. (ECF No. 14).

<sup>2</sup> Jan 26, 2021, "Plaintiff and NRCM shall file a Second Amended Complaint("SAC") adding NRCM as a plaintiff no later than February 26, 2021" (ECF No. 44).

<sup>3</sup> Feb 19, 2021, "ORDER: granting 45 Letter Motion for Extension of Time to File" (ECF No. 46)

<sup>4</sup> April 30, 2021, "Order on Motion for Miscellaneous Relief" established dates "(4) Defendants shall file their anticipated motion to dismiss the SAC (and/or to compel arbitration) no later than September 17, 2021. Plaintiffs shall file their opposition no later than October 19, 2021, and Defendants shall file any reply no later than November 19, 2021." (ECF No. 69)

<sup>5</sup> June 28, 2021, "Util - Set Deadlines AND Order" Emergency Motion to Stay For Seven (7) Days (ECF No. 80-84)